

REMARKS

The Specification has been corrected with the present amendment to recite that the present application is a "Continuation" of U.S. Patent 6,682,745 (corresponding to U.S. Patent Application No. 09/492,206, filed January 27, 2000). The Utility Patent Application Transmittal form PTO/SB/05, with which the present application was submitted, identified the present application as a Continuation of prior application No.: 09/492,206.

On October 1, 2010, Applicants submitted to the Commissioner a Petition Under 37 CFR 1.324 requesting that the inventorship of U.S. Patent 6,120,775 be corrected to include Danny Goovaerts as a co-inventor. Also submitted were Inventors' Statements and Consent of Assignee. A copy of the Petition is submitted herewith for the Examiner's convenience.

In the Office Action of June 3, 2010 the Examiner noted that he was not aware of any authority to transfer the certified copy of EP 99 200202.2 from the parent application. Applicants agree that such authority to physically transfer the document does not appear in the MPEP. However, pursuant to MPEP 201.14(b)II., "Where the benefit of a foreign filing date based on a foreign application is claimed in a later filed application (i.e., continuation, continuation-in-part, division) or in a reissue application and a certified copy has been filed in a parent or related application, it is not necessary to file an additional certified copy in the later application....The applicant when making such a claim for priority may simply identify the application containing the certified copy. In such cases, the examiner should acknowledge the claim on form PTOL-326."

Applicants' claim to priority is summarized as follows:

On form PTO/SB/05, Utility Patent Application Transmittal, submitted January 8, 2003, the present application is identified as a Continuation of USSN 09/492,206.

In an amendment to the specification filed November 28, 2005, Applicants recited their claim to priority in related patent applications as follows:

"Please insert the following heading and paragraph line 2 on page 1:

PRIORITY CLAIM TO RELATED PATENT APPLICATIONS

This patent claims priority as a divisional to U.S. Patent No. 6,682,745 (corresponding to U.S. Patent Application No. 09/492,206, filed January 27, 2000). U.S. Patent No. 6,682,745, in turn, claims priority as a continuation-in-part of U.S. Patent No. 6,120,775 (corresponding to U.S. Patent Application No. 09/123,735, filed July 28, 1998), which, in turn, claims priority to European Patent Application Nos. 97202365 (filed July 29, 1997) and 97202925 (filed September 24, 1997). U.S. Patent No. 6,682,745 also claims priority to European Patent Application No. 99200202 (filed January 26, 1999)."

In parent application USSN 9/492,206, priority to EP 99 200202 filed January 26, 1999 was claimed in the Declaration and Power of Attorney, the same Declaration in the present application, and a Certified Copy was filed February 24, 2000.

In addition to the claim of priority to EP 99 200 202 in USSN 9/492,206, priority was also claimed as a Continuation-In-Part to USSN 9/123,735 (now U.S. Patent 6,120,775) in an Amendment filed November 13, 2000.

In USSN 9/123,735 priority to EP 97 202 365 and EP 97 202 925 was claimed in the Declaration and Power of Attorney and Certified Copies were filed July 28, 1998.

Applicants, having made their claim for priority on filing this application and on amending the first paragraph to recite their "Priority Claim to Related Patent Applications," believe they have effectively made their claim to foreign priority in accord with MPEP 201.14(b), including EP 97 202 365, EP 97 202 925 and EP 99 200 202, for which certified copies have been submitted in related applications.

In the final Office Action of June 3, 2010, the claims of the present application were rejected for anticipation and obviousness under 35 USC 102(e) and 35 USC 103(a) over U.S. Patent 6,120,775. Applicants respectfully submit that, on correction of the inventorship entity for U.S. Patent 6,120,775, and the fact that the present application relies on the application resulting in the '775 patent, as well as its related European applications, for priority, the '775 patent is not available as a reference. Accordingly, it is believed that all claims pending in the present application are in condition for allowance. Favorable action is solicited.

Applicants do not believe that any other fees are due with this Response. However, if any fees are due, the Commissioner is hereby authorized to charge them to deposit Account No. **19-0365**. Further, the Commissioner is authorized to charge any fees or reimburse any overpayment under 37 C.F.R. §1.16 or 1.17 in connection with this patent application to Deposit Account No. **19-0365**.

Respectfully submitted,

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